

**Notice of Allowability**

Application No.

09/376,748

Examiner

Khanh B. Pham

Applicant(s)

LAND ET AL.

Art Unit

2167

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed July 1, 2005.
2. ☒ The allowed claim(s) is/are 1-3,5-38,40-54 and 60.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 092205.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Jamie Wiegand, Applicant's representative, on September 28, 2005.

The application has been amended as follows:

**In the claims:**

- **Claims 55-59, 61-63 have been canceled.**
- **Claims 1, 5, 48, 50 and 51 have been amended as follows:**

**Claim 1:** A method for searching a database to obtain an object that is related to an indicated object in a document, comprising:

automatically creating a query directly from the indicated object, the query having a data structure that is recognizable by a local search engine and a remote search engine, wherein the query is created by:

enabling a sentence comprising a plurality of words to be input into the document,

repositioning a cursor nearest to any one of the words in the sentence other than a last word input into the document, wherein the cursor is capable of

being repositioned nearest to any one of the words after the sentence is entered into the document, and

after repositioning the cursor, automatically selecting the nearest word to the the [[a]] cursor in the the [[a]] sentence as the indicated object without having a user to make a selection for the query in a separate document;

if the remote search engine is accessible, providing the query over a network to the remote search engine to search a remote database for at least one object that is related to the indicated object, and if the remote search engine is inaccessible, providing the query to the local search engine to search a local database for at least one object that is related to the indicated object;

returning the a result from the query, the result indicating when at least one object is related to the indicated object; and

producing a display of one of the related objects, so that at least one of the related objects may be associated with the indicated object.

**Claim 5:** A method for obtaining an image from a database for insertion into a document, the image being related to an indicated text, comprising:

enabling an automatic creation of a query directly from the indicated text, the query having a data structure that is recognizable by a local search engine and a remote search engine, wherein the indicated text comprises an automatic selection of a nearest word to a cursor when no indicated text is provided, and the query is created without having the user make a selection for the query in a separate document;

Art Unit: 2167

if the remote search engine is accessible, providing the query over a network to the remote search engine to search a remote database for an image that is related to the indicated text, and if the remote search engine is inaccessible, providing the query to the local search engine to search a local database for an image that is related to the indicated text;

returning the a result from the query of the database, the result indicating when at least one image is related to the indicated text;

enabling the display of at least one image indicated by the result from the query, a displayed image being selectable for insertion into the document; and

displaying a related image that is inserted into the document, so that the related image is associated with the indicated text in the document;

wherein the automatic selection of a nearest word further comprises:

enabling a sentence comprising a plurality of words to be input into the document;

repositioning a cursor nearest to any one of the words in the sentence other than a last word input into the document, wherein the cursor is capable of being repositioned nearest to any one of the words after the sentence is entered into the document; and

after repositioning the cursor, automatically selecting the nearest word to the cursor in the sentence as the indicated object.

**Claim 48:** A system for obtaining an image from a database for pasting into a document, the image being related to indicated text, comprising:

- (a) a client process for causing functions to be performed, including:
    - (i) enabling an automatic creation of a query directly from the indicated text, the query having a data structure that is recognizable by a local search engine and a remote search engine, wherein the indicated text comprise an automatic selection of a nearest word to a cursor and the query is create without having the user make a selection for the query in a separate document;
    - (ii) if the remote search engine is accessible, providing the query over a network to the remote search engine to search a remote database, and if the remote search engine is inaccessible, providing the query to the local search engine to search a local database for an image that is related to the indicated text;
    - (iii) enabling a display of at least one related image indicated by the a result from the query, the display of a related image being selectable for insertion into the document; and
    - (iv) displaying the related image that is inserted into the document, the related image being associated with the indicated text in the document; and[[.]]
  - (b) a server process for causing functions to be performed, including:
    - (i) returning the result from the query of the remote database, the result indicating when at least one image is related to the indicated text; and
    - (ii) enabling the remote search engine to locate at least one image in the remote database that is related to the indicated text;
- wherein the automatic selection of the nearest word is achieved by enabling a sentence comprising a plurality of words to be input into the document, repositioning the

Art Unit: 2167

cursor nearest to any of the words in the sentence other than a last word input into the document, wherein the cursor is capable of being repositioned nearest to any one of the words after the sentence is entered into the document, and after repositioning the cursor, automatically selecting the nearest word to the cursor in the sentence as the indicated text.

**Claim 50:** A computer readable medium having computer-executable components, comprising:

a component for automatically creating a query directly from indicated text, the query having a data structure that is recognizable by a local search engine and a remote search engine, wherein the indicated text comprises an automatic selection of a nearest word to a cursor, and wherein the query is created without having the user make a selection for the query in a separate document;

a component for providing the query over a network to the remote search engine that searches a remote database for an image that is related to the indicated text if the remote search engine is accessible, and to the local search engine that searches a local database for an image that is related to the indicated text if the remote search engine is inaccessible;

a component for returning the a result from the query, the result indicating when at least one image is related to the indicated text;

a component for enabling the a display of at least one related image indicated by the result from the query, the display of the related image being selectable for insertion into the document; and

a component for displaying the related image that is inserted into the document, so that related image is associated with the indicated text in the document;[[.]]

wherein the automatic selection of the nearest word is achieved by enabling a sentence comprising a plurality of words to be input into the document, enabling a repositioning of the cursor nearest to any one of the words in the sentence other than a last word input into the document, wherein the cursor is capable of being repositioned nearest to any one of the words after the sentence is entered into the document, and after repositioning the cursor, automatically selecting the nearest word to the cursor in the sentence as the indicated text.

Claim 51: A method for electronically purchasing an image over a network, comprising:

(a) automatically creating a query related to an indicated object, the query having a data structure that is recognizable by a local search engine and a remote search engine, wherein the query is created by automatically selecting a nearest word to a cursor as the indicated object without having a user make a selection for the query in a separate document;

(b) if the remote search engine is accessible, providing the query over a network to the remote search engine to search a remote database for at least one

image that is related to the indicated object, and if the remote search engine is inaccessible, providing the query to the local search engine to search a local database for at least one image that is related to the indicated object;

(c) returning the a result from the query of the database, the result indicating when at least one image is related to the indicated object;

(d) indicating a related image is to be purchased over the network, financial information being provided to an electronic commerce service that enables the purchase of the related image when the financial information is complete; and

(e) when the related image is purchased, inserting of the related image into a document, so that the related image may be associated with the indicated object;

wherein automatically selecting of the nearest word further comprises: enabling a sentence comprising a plurality of words to be input into a document, enabling a repositioning of the cursor nearest to any one of the words in the sentence other than a last word input into the document, wherein the cursor is capable of being repositioned nearest to any one of the words after the sentence is entered into the document, and after repositioning the cursor, automatically selecting the nearest word to the cursor in the sentence as the indicated object.

***Allowable Subject Matter***

2. **Claims 1-3, 5-38, 40-54, 60 are allowed.** (Re-numbered as 1-53)
3. The following is an examiner's statement of reasons for allowance:



Prior art of record do not teach the combination of claimed elements including the steps of automatically creating a query by repositioning a cursor nearest to any one of the words in a sentence other than a last word input into a document, and automatically selecting the nearest word to the cursor to create a query. Further, prior art of record does not teach the step of making a determination to select from one of a local search engine and a remote search engine based on the availability of the remote search engine as claimed.

Thus, prior art of record neither renders obvious nor anticipates the combination of claimed elements in light of the specification. After a further search and a thorough examination of the present application and in light of the prior art made of record, independent claims 1, 5, 48, 50 and 51 are allowed. Dependent claims are allowed at least by virtue of their dependencies from pertinent independent claims.

### ***Conclusion***

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh B. Pham whose telephone number is (571) 272-

Art Unit: 2167

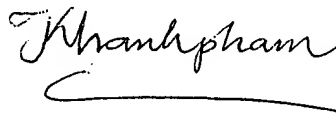
4116. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Khanh B. Pham  
Examiner  
Art Unit 2167

September 28, 2005

A handwritten signature in cursive script, reading "Khanh B. Pham", with a horizontal line underneath.